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SUBJECT: SHIA MEMBERS OF ARAB CONSULTATIVE COUNCIL DENOUNCE
ARTICLE 140 RELOCATION PROGRAM

Classified By: PRT Leader James Bigus for Reasons 1.4 (b) and (d)

This is a PRT Kirkuk reporting cable.

¶1. SUMMARY: (C) In a recent meeting, four Shia Arab members of the Arab Consultative Council (ACC) presented hard-line, rejectionist views on Article 140 and its proposed relocation program. They said that there is no difference in the political views among Shia and Sunni ACC members noting specifically that all believe in the unity of Iraq, opposition to Article 140, and opposition to Kirkuk's joining the KRG. They claimed Article 140's purpose is to break up Iraq, and declared the "Shias are in Kirkuk and will not leave." They denied reports that a number of Shias had left the ACC because they refused to condemn Saddam's execution. They allege the National Solution Commission's (NSC) claim to have enrolled 7000 Shia families to relocate is based on falsified documents. The ACC Shias said that they received Sistani's endorsement of their anti-relocation efforts, but a letter stating this has apparently been "lost." Shia Arab young men have been subject to arrest and "kidnapping" to KRG jails, and a number of Shia Wafidain leaders allegedly have been assassinated. The ACC Shias gave an unlikely figure of 500,000 Shia Wafidain in Kirkuk. Despite high unemployment, the Shia Wafidain, they said, have developed strong local ties and want to stay in Kirkuk and not move back to their original homes. Property claims against Wafidain are unfair they said, because all persons whose property was taken during Arabization were, they allege, fully compensated. Kurdish IDPs who have returned to Kirkuk and are living in IDP camps as "trespassers on government property." END SUMMARY.

ACC'S THREE PRINCIPLES

¶2. (SBU) IPAO met on 14 February with four Shia Arabs who are members of the Arab Consultative Counsel (ACC). (NOTE: the ACC is an umbrella organization that encompasses a wide range of tribal and other Kirkuk Arab political and community groups. It is generally seen as a spokesman for the Sunni Arab community and its concerns, specifically its opposition to Article 140. END NOTE). The four) Sheikh Farhan Abdullah, Sheikh Abdul Rahman Atiya, Mr, Nahm Aboud, and Mr. Jasim Mohammed --wore sheikhly attire and appeared to be in their mid-50s. Sheikh Atiya opened, describing himself as representing the "Southern Tribes Association" in Kirkuk, as well as the ACC. He said the Southern Tribes organization members are all Wafidain (lit: "beneficiaries" of Arabization) and exclusively Shia. There is no difference, he said, between the standpoint of the Sunnis and Shias participating in the ACC. Both groups, he said, operate on three principles: the Unity of Iraq; opposition to the imposition of Article 140 in Kirkuk; opposition to Kirkuk's annexation to the KRG.

¶3. (SBU) Atiya stated that "everything else" is "just minor and negotiable things." "We believe," he said, "that Article 140 is based on an intention to break up Iraq and to plant ethnic strife in Kirkuk." He noted that "European counties

and the US grant citizenship to aliens who have lived there for five years. We are Iraqis and Article 23 of the Constitution gives us the right to live anywhere in Iraq...we have lived in Kirkuk for twenty years or more(why then was this oppressive decision (the recently announced Article 140 Wafidain relocation program) made against the Arabs?"

SHIA ARABS IN KIRKUK TO STAY

¶4. (C) Asked why he assumed that the program was involuntary, Atiya said that the decision clearly stated the program would focus on "returning Wafidain to the South who had arrived in Kirkuk between 1968 and 2003." Atiya criticized the terms of the relocation offer, saying that the per family amount offered, 20 million IDs or about \$13,000, was "not enough for one meal for Article 140 Commission chairman Al-Shebli and his colleagues." Atiya said that he wanted to give this message to the US Government) "the Shias were in Kirkuk and would not leave."

SADDAM EXECUTION IMPACT?

¶5. (C) Asked about reports that a number of Shia Arabs had quit or been forced to quit the Arab Consultative Counsel because they refused to condemn Saddam's execution or manner of execution, Atiya said that "nothing like this happened(what has Saddam's execution got to do with the ACC?" adding that the Kurds are repeating the same ethnic cleansing policy as Saddam.

NATIONAL SOLUTION COMMISSION FALSIFIED ENROLLMENT FOR RELOCATION?

¶6. (C) Concerning the 7000 families that the "National Solution Commission" claims to have enrolled in the proposed relocation program, our interlocutors were adamant that the NSC does not represent the Shia Arab Wafidain community in

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Kirkuk. They asked how the NSC could be representing the Shia Arab community when they "were receiving money from certain political parties to do this." (NOTE: the NSC reportedly was founded by the PUK and admits to receiving support from the Kurdish political parties. END NOTE). Atiya referred to the NSC as a "marketing shop in which they buy the souls of the people with money." He also stated the NSC's claim to have enrolled 7000 Shia Wafidain in the relocation program was questionable, and he called on US authorities to investigate the NSC's activities. The NSC, he said, had obtained the documents of people who are already left Kirkuk and were going to use these to make false residence claims.

¶7. (C) Atiya noted that while it may be relatively easy to give people some money and to transfer their ration cards and even their jobs to places in the south and elsewhere outside Kirkuk, there were "humanitarian factors" which outweighed this material assistance) the Shia Wafidain and their offspring had lived in Kirkuk for a generation or more and have developed social and personal ties to this location. Moving would mean "breaking all of these things and starting over," something that would be, for most Wafidain, very difficult. Questioned how he would feel about the relocation program if it was specifically designated as voluntary, he responded that, from his perspective, anyone willing to move should do so without taking relocation assistance funds.

CONSTITUTIONAL ISSUES

¶8. (C) Sheikh Farhan then laid out his views on the issue. He claimed that Article 140 was added to the Constitution after it was approved in the January 2005 referendum, asserting that when presented to the voters, the Constitution had 136 articles, but when later published after approval an additional nine articles had been added, including Article 140 (NOTE: This claim sounds specious) drafts of the Constitution that were circulated before the Constitutional referendum did have only 136 articles, but it is our understanding that the current Article 140 was Article 136 in those drafts. END NOTE).

¶9. (C) Farhan also cited Article 142, which authorizes Constitutional review, as impacting the Article 140 process. This article, he claims, could result in changes to Article 140, and implementation of Article 140 should await the outcome of any review activities undertaken under Article ¶142. He added that Article 140 should be subject to review because it had been inserted to "satisfy certain political parties." (NOTE: The need to delay Article 140 implementation until Article 142 constitutional review has been carried out has been a continuing demand of local Arab and Turkoman critics of Article 140. END NOTE).

ACC SHIAS LOSE SISTANI LETTER

¶10. (C) The four Shias were asked about reports that the NSC had received an okay from Sistani for their relocation activities. Sheikh Farhan, speaking for the group, said that this was not true. "It is easy," he said, "to claim that you've met with Sistani." Farhan then said that his group had in fact met with Sistani's "office manager" in 2005, and, Farhan claimed, had received a letter signed by Sistani stating that it was a "sin" for Shias to sell their property in Kirkuk and a "sin for them to leave Kirkuk." Asked if the PRT could obtain a copy of this letter, Farhan agreed to provide it (NOTE: In a follow up phone call after this meeting, Farhan told us that they had been "unable to find the letter" and are afraid that it may be lost. END NOTE).

¶11. (C) Asked if there had been many insurgency-related arrests among Shia Arabs, our interlocutors responded that the Shias were a "peaceful and moderate" community, were not involved in violence, "unlike other Arabs." That said, they claimed that over 350 Shias had been arrested and "kidnapped" and were now incarcerated in Sulimaniya, an issue for which they wanted redress. (NOTE: this seems like a large figure for arrested Shias: a probably more reliable Sunni Arab source had given us the same number for all Arabs) not apparently differentiating between Sunnis and Shia -- arrested in Kirkuk and sent to Sulimaniya for incarceration. END NOTE).

ASSASSINATIONS AND POPULATION

¶12. (C) Farhan said that his group did not think that arrests were "such a big problem," but the Kurdish political parties' "don't like people speaking out against Article 140) "there have been many assassinations of our leaders(" He then named half dozen people whom he claimed had been killed among the local Shia leadership. He said that the threat of violence "limits our ability to act(we feel intimidated."

¶13. (C) Farhan stated that there were almost 500,000 Shia Arabs in Kirkuk, all of whom are Wafidain. He suggested

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that we visit local Shia mosques when they are having prayers in order to get a sense of the size of the community. (NOTE: this number seems grossly exaggerated. The National Solution Commission has estimated the total size of the Wafidain Shia community at about 10,000 families or 60,000 people. A Sadrist community leader recently told us he thought there were only about 2000 Shia Wafidain families left in Kirkuk, and said the rest had already returned to their original homes. Sunni Arab Article 140 Commission/Kirkuk PC member Mohammed Khalil estimates total Wafidain still resident in the province at about 230,000 individuals, including both Shias and Sunnis. END NOTE). Concerning Sunni Wafidain, Atiya said about 40% of Sunnis were Wafidain, most from locations in provinces adjacent to Kirkuk. A small portion came from the South along with the Shias.

¶14. (C) Atiya added that the Shia Wafidain were not just concentrated in the southern part of Kirkuk, but could be found throughout the city. When they first arrived, up to 70% were government employees (NOTE: reportedly many Shia Wafidain were police, a role that did not endear them to the

Kurdish population. END NOTE). Now, he said, many were "removed" or have retired) currently, about 10% of Shia Wafidain are farmers, another 10% are day laborers, and many of the remaining 80%, especially young men, are unemployed and cannot get jobs "because they are Shia Arabs."

ARABIZATION VICTIMS COMPENSATED BY SADDAM?

¶15. (C) Asked if he thought economic conditions might be better in southern Iraq, in the Shia Wafidain's original homes, Atiya said no) "staying in Kirkuk is best." In the current unstable situation, he said, "how can we go to a place that we've lost contact with(after three decades? we've adapted economically to Kirkuk," he continued, "give us the relocation money and let us stay here, and we will use it to build Kirkuk." Asked about IPCC claims against Wafidain, Sheikh Farhan responded that "all the people from whom homes were taken (i.e., Kurds and Turkomans) were compensated during the former regime. No one can say that they didn't receive property. If anyone did not receive compensation, let him come to us and we will help him get his property back." Farhan also criticized people like those in Faylek (A Kurdish IDP camp) for "trespassing on government property"

¶16. (C) The Shia reps concluded the meeting saying that they wanted to convey "one message" to the US Government, namely "...that those people (the Kurds)don't want to recognize us as Iraqis(they distrust our Iraqi identity."

¶17. (C) COMMENT: These ACC-affiliated Shia Arabs were one of the most strongly anti-Kurdish and anti-Article 140 process interlocutors that we have met in Kirkuk. As with many other political groups in Kirkuk, it is unclear how large a constituency they truly represent. In our experience, their claims that, for example, there are 500,000 Wafidain or that all claimants under the IPCC/CRRPD Property Claims process had already received compensation, seem ludicrous. It may be that these Shias' exceptionally harsh opposition to Article 140 reflects that fact that departure of large numbers of Shia Wafidain would leave them with few followers and reduce their local influence. The story about the lost Sistani letter is perhaps indicative of their likely veracity. We will, however, continue to follow up about the Sistani letter. END COMMENT.

KHALILZAD